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7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA

10 JOHN TENNISON,

11 Plaintiff,

12 v.

13 CITY AND COUNTY OF
14 SAN FRANCISCO; SAN FRANCISCO
POLICE DEPARTMENT; PRENTICE EARL
15 SANDERS; NAPOLEON HENDRIX; and
GEORGE BUTTERWORTH,

16 Defendants.
17

Case No. C 04-00574 CW

Consolidated with
Case No. C 04-01643 CW

**ORDER GRANTING LOCAL RULE 6-2
STIPULATION TO SHORTEN TIME
AND PROPOSED SCHEDULE FOR
HEARING ON TENNISON'S MOTION
FOR CLARIFICATION OF COURT'S
OCTOBER 27, 2005 ORDER**

Pursuant to N.D. Cal. Local Rule 6-2, Tennison and the City hereby present the following Stipulated Request for Order Changing Time.

I. BACKGROUND

On October 27, 2005, this Court granted Tennison's request for depositions of five witnesses, including Frank Jordan, and directed that "[t]he scope of the depositions shall be limited to issues raised in the deponents' reply declarations."¹

On November 16, 2005, Tennison deposed Frank Jordan pursuant to the Court's Order. During the course of the deposition, a dispute arose between Tennison and the City regarding the scope of this Court's October 27th Order and counsel for the City instructed Mr. Jordan not to answer certain questions and lines of inquiry, primarily on the basis that they were outside the scope of that Order. Tennison attempted, without success, to reach this Court and to reach Magistrate Judge Edward M. Chen during the course of the Jordan deposition to resolve this matter without motion practice.

II. REASONS FOR THE REQUESTED SHORTENING OF TIME

WHEREAS, additional depositions pursuant to the Court's October 27th Order are scheduled for November 22nd, November 29th, and December 6, 2005;

WHEREAS, clarification of the Court's October 27th will assist the parties in determining the appropriate scope of questioning in future depositions;

WHEREAS, absent an additional postponement, Tennison must file his Surreply regarding summary judgment by December 20, 2005;

WHEREAS, argument on the *Monell* summary judgment motions is scheduled for January 20, 2005;

WHEREAS, the parties agree that expedited resolution of this dispute is in the best interest of both parties; and

WHEREAS, the parties have met and conferred;

¹ Docket No. 448 (10/27/05 Order Denying Tennison's Motion to Strike; Granting Tennison's Request for Depositions and Surreply; And Vacating October 28 Hearing).

IT IS HEREBY AGREED THAT:

1. Tennison will file his Motion for Clarification of Court Order on November 18, 2005.
2. The City will file its Response to Tennison's Motion by November 23, 2005.
3. Tennison waives Reply.
4. The Court will hear argument, if necessary, on Tennison's motion at 10:00 a.m. on Friday, December 9, 2005.

III. PREVIOUS TIME MODIFICATIONS IN THIS CASE

The Court has previously granted the following time modifications in this case:

- November 30, 2004 Order Granting Stipulation Extending Deadline to Conduct Early Neutral Evaluation (Civil Docket Sheet No. 45);
- January 19, 2005 Order Granting Stipulation Extending Case Management Deadlines (Civil Docket Sheet No. 71);
- April 18, 2005 Stipulation and Order Extending the Deadline for Expert Disclosure and Discovery (Civil Docket Sheet No. 125);
- May 3, 2005 Order Granting in Part Stipulation (regarding deadlines and page limits for summary judgment briefs) (Civil Docket Sheet No. 136);
- June 14, 2005 Stipulation and Order Extending Schedule for *Monell*-Based Summary Judgment Motions (Civil Docket Sheet No. 233);
- June 21, 2005 Stipulation and Order Continuing Hearing on Plaintiff John Tennison's Motion to Compel (Civil Docket Sheet No. 256);
- August 9, 2005 Stipulation and Order Extending Briefing Schedule for *Monell*-Based Summary Judgment Motions by One Week (Civil Docket Sheet No. 341);
- August 18, 2005 Stipulation and Proposed Order Extending Briefing Schedule for *Monell*-Based Summary Judgment Motion by Four Weeks (Civil Docket Sheet No. 354);
- August 24, 2005 Stipulation and Order Extending Briefing and Hearing Schedule for *Monell*-Based Summary Judgment Motion (Civil Docket Sheet No. 357);
- October 27, 2005 Order Denying Tennison's Motion to Strike; Granting Tennison's Request for Depositions and Surreply; and Vacating October 28 Hearing (Civil Docket Sheet No. 448); and
- November 16, 2005 Order Granting Stipulation and Proposed Schedule for Depositions, Tennison's Surreply, and a New Hearing Date (Civil Docket Sheet No. 459).

IV. EFFECT REQUESTED MODIFICATION WILL HAVE ON PENDING SUMMARY JUDGMENT SCHEDULE

Expedited resolution of the current dispute will help preserve the current schedule for final *Monell* summary judgment briefing and the motions hearing. Tennison's Surreply regarding summary judgment on municipal liability is currently due December 20, 2005, and a hearing on the *Monell* summary judgment motions is scheduled for January 20, 2006. Absent expedited resolution of the current dispute, this schedule may need to be delayed.

Dated: November 18, 2005

KEKER & VAN NEST, LLP

By: /s/ Steven P. Ragland
STEVEN P. RAGLAND
Attorneys for Plaintiff
JOHN TENNISON

Dated: November 18, 2005

DENNIS J. HERRERA, City Attorney
EVAN A. ACKIRON, Deputy City Attorney
SCOTT WIENER, Deputy City Attorney

By: /s/ Scott Wiener
SCOTT WIENER
Attorney for Defendants
GEORGE BUTTERWORTH and
CITY AND COUNTY OF SAN FRANCISCO

ORDER

GOOD CAUSE APPEARING, it is HEREBY ORDERED that the parties' proposed briefing schedule regarding Tennison's Motion for Clarification of Court Order is adopted:

1. Tennison's Motion for Clarification of Court Order will be filed on November 18, 2005.
2. The City's Response to Tennison's Motion is due November 23, 2005.
3. No Reply will be filed.
4. The Court **will rule on the papers.**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:
11/22/05

/s/ CLAUDIA WILKEN

THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE